

HOUSE BILL 439
By Fowlkes

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 10; Title 16; Title 18; Title 26; Title 30; Title
36; Title 40 and Title 67, relative to court costs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-21-401 is amended by deleting subsections (a) and (b) and substituting instead the following:

(a) Except as provided otherwise, the costs provided in this statute shall be collected at the time services are rendered by the clerk or other officer of the court. The fees listed below do not include officer's fees for service of process as provided for in § 8-21-901 and elsewhere. These fees also do not include state and local litigation taxes.

(b) Fees in Civil Cases in Circuit and Chancery Court

(1) (A) Unless otherwise provided below, court clerks in civil cases in courts of records shall charge a standard court cost of three hundred dollars (\$300) at the institution of a case. The types of cases covered by this fee would include, but not be limited to, actions for enforcement of contracts or breach of contract actions; injunctions; all torts, personal injury and property damage cases including malpractice and wrongful death suits; employment discrimination suits; civil rights suits; tax disputes; special remedies; other property disputes; divorce with minor children; and any other type of actions not otherwise designated in this statute or elsewhere by law. This filing fee would also apply to third party complaints.

(B) In the following specific types of civil actions, the clerk shall instead charge a standard court cost of one hundred and fifty dollars (\$150) at the institution of a case:

- (i) Appeals to the circuit or chancery court from juvenile court, general sessions court, probate courts, municipal courts or an administrative hearing; writs of certiorari from lower courts or administrative hearings;
- (ii) Transfers of cases from foreign counties;
- (iii) Petitions for writ of mandamus;
- (iv) Workers' compensation actions;
- (v) Condemnations/inverse condemnations;
- (vi) Quo warranto proceedings;
- (vii) Divorce without minor children

(C) In the following specific types of civil actions, the clerk shall charge a standard court cost of one hundred dollars (\$100) at the institution of a case: adoptions, legitimations, paternity cases, restoration of citizenship, termination of parental rights, other domestic relations matters not otherwise designated, name changes, joint petitions, minor settlements, petitions to enforce foreign judgments, and orders of protections. This fee shall also apply to cross-filings and counter complaints.

(D) In the following specific actions, the clerk shall charge a standard court cost of seventy-five dollars (\$75.00): child support enforcement, including interstate support cases and civil contempt actions.

(E) In delinquent property cases, the clerk shall assess a filing fee of forty-two dollars (\$42.00) per parcel. For each parcel of property for which the

judge issues an order to sell, there shall be a fee of one hundred dollars (\$100)
for clerk's services related to that action.

SECTION 2. This act shall take effect January 1, 2006, the public welfare requiring it.